



# PRIMER ON THE ARMM

## Aquatic and Fisheries Code of 1999 (MMAA 86)



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**PRIMER ON THE  
ARMM AQUATIC AND FISHERIES  
CODE OF 1999  
(MMAA 86)**

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## MESSAGE

The Department of Agriculture and Fisheries-ARMM is pleased to present this Primer on the ARMM Aquatic and Fisheries Code of 1999, also known as Muslim Mindanao Autonomy Act No. 86, to the stakeholders of the aquatic and marine resources of the Region.

This Primer shall certainly help in our effort to protect and rehabilitate the aquatic and marine resources of the Autonomous Region as information in this publication will help its readers understand the law. This will especially benefit the local government units and their constituents in the coastal areas who are involved in managing the Region's marine biodiversity.

We would like to extend our warmest felicitations to the readers of this Primer and our congratulations and thanks to the staff and leadership of DENR-USAID EcoGov Project for helping us produce this Primer.

**NASAR A. SALMANI**  
Regional Secretary



## MESSAGE

The Bureau of Fisheries and Aquatic Resources-ARMM has been envisioning more than a couple of years ago of coming up with an effective and efficient Information and Education Campaign for the people, not only in the Fisheries Industry, but also the would-be stakeholders and investors. This is to make them understand and be guided accordingly by the existing laws governing the management, development, protection and disposition of fisheries and aquatic resources in the Autonomous Region in Muslim Mindanao.

For such a campaign to be successful, it would require information materials, like this Primer on the Muslim Mindanao Autonomy Act (MMAA) No. 86, also known as the ARMM Aquatic and Fisheries Code of 1999 that governs fisheries activities and related endeavors in the Region. Certainly, this publication will be a big boost to our effort of informing and educating our Region's people about the Fisheries Code.

We are honored and grateful to acknowledge the support and cooperation of the EcoGovernance Project, the USAID, the DENR and the Development Alternatives, Inc. for making this dream—of having a material on MMAA No. 86—come true.

  
**ABDULHAN S. SABBANI**  
OIC, Regional Director



## I. GENERAL PROVISIONS

**Q**

*What is the law governing the management, development, protection and disposition of fisheries and aquatic resources in the Autonomous Region in Muslim Mindanao (ARMM)?*

**A**

Muslim Mindanao Autonomy Act 86 also known as the ARMM Aquatic and Fisheries Code of 1999.

**Q**

*Where shall the ARMM Aquatic and Fisheries Code of 1999 be applied and enforced?*

**A**

The ARMM Aquatic and Fisheries Code of 1999 shall be enforced in the following areas:

1. ARMM waters;
2. All fisheries and aquatic resources within the ARMM whether inland, coastal or offshore including, but not limited to fishponds and fishpens/cages; and
3. All lands within the ARMM devoted to aquaculture or business and activities relating to fishery, whether private or public lands. (Sec. 2)



**Q**  
**A**

*What do the ARMM waters cover?*

The ARMM waters extend to offshore fishing grounds, up to and including all waters 22½ km from its coastline, but inside the territorial waters of the Philippines, regardless of depth, the sea bed and the subsoil that are included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the ARMM touch the sea at low tide and a third line parallel to the general coastline. (Sec. 2)

## **II. IMPLEMENTING AGENCIES**

**Q**  
**A**

*What are the implementing agencies of the ARMM Aquatic and Fisheries Code of 1999?*

These are the:

1. Department of Agriculture and Fisheries (DAF)/Regional Bureau of Fisheries and Aquatic Resources (RBFAR)
2. Office of the Regional Governor
3. ARMM Local Government Units (LGUs), specifically cities and municipalities

**Q**

*What are the powers and functions of the DAF/RBFAR in the ARMM under the ARMM Aquatic and Fisheries Code of 1999?*

**A**

General powers and functions of the DAF/RBFAR include the following:

1. For fees and other fishery charges:
  - a. Set the amount of rentals for fishpond areas covered by Fishpond Lease Agreements (FLA);



- b. Set the fees for commercial fishing boat licenses except commercial fishing boats of 3 gross tons or less;
  - c. Prescribe fees and other fishery charges and issue the corresponding license or permit for fishing gear, fishing accessories and other fishery activities beyond the municipal waters. (Sec. 17)
- 2. For access to fishery resources:
  - a. Issue such number of licenses and permits for the conduct of fishery activities beyond the municipal waters subject to the limits of the maximum sustainable yield (MSY) of the resource as determined by scientific studies of best available evidence. (Sec. 18)
- 3. For monitoring, surveillance and control of ARMM waters:
  - a. Establish a monitoring, surveillance and control system for ARMM waters in coordination with LGUs, Fisheries and Aquatic Resource Management Councils (FARMCs), the private sector and other agencies concerned. (Sec. 24)

The following are the specific powers and functions of RBFAR:

- 1. On fishery plans, programs and information system:
  - a. Prepare and implement a Comprehensive Regional Fisheries Development Plan;
  - b. Formulate and implement a Fishery Research and Development Program;

- c. Establish and maintain a Comprehensive Fishery Information System;
- 2. On support services and systems:
  - a. Provide extensive development support services in all aspects of fisheries including the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;
  - b. Implement an inspection system for import and export of fishery/aquatic products and fish processing establishments consistent with international standards;
  - c. Develop value-added fishery/aquatic products for domestic consumption and export.
- 3. On enforcement, conflict resolution and protection:
  - a. Enforce all fishery laws, rules and regulations;
  - b. Settle conflicts on resource use and allocation in coordination with the LGU, Regional FARMC, Integrated FARMC and Municipal or City FARMC;
  - c. Recommend measures for the protection/enhancement of the fishery industry.
- 4. On assistance to LGUs:
  - a. Coordinate with LGUs and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing communities;

- b. Assist the LGUs in developing their technical capability in the development, management, conservation, and protection of the fishery/aquatic resources.
5. On licensing:
  - a. Issue licenses for the operation of commercial fishing vessels and authorize the movement of trade of fishery/aquatic products and collect fees prescribed by law and regulations.
6. Other functions:
  - a. Perform such other related functions which shall promote the development, management, protection and conservation of fisheries and aquatic resources. (Sec. 7)

**Q**

*What is the role of LGUs, specifically cities and municipalities, under the ARMM Aquatic and Fisheries Code of 1999?*

**A**

Cities and municipalities have jurisdiction over municipal waters as defined in the Code. They shall be responsible for the management, development, protection and disposition of all fisheries and aquatic resources that are within their municipal waters. For this purpose, cities and municipalities are empowered to enact appropriate ordinances. They are also mandated to



enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipal/city council, within municipal waters. (Sec. 26)

### III. FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (FARMC)

**Q**  
**A**

*What is the FARMC?*

The FARMC is a recommendatory body composed of representatives from the government, fisherfolk and non-government organizations (NGOs). (Sec. 8)



**Q**  
**A**

*Does the ARMM Aquatic and Fisheries Code of 1999 require the creation of FARMCs?*

Yes. The Code requires FARMCs to be created in the regional level and in all municipalities/cities with municipal waters. (Sec. 8)

**Q**  
**A**

*What FARMCs are mandated to be created under the ARMM Aquatic and Fisheries Code of 1999?*

These are the:

1. Regional Fisheries and Aquatic Resources Management Council (RFARMC);

2. Municipal/City Fisheries and Aquatic Resources Management Council (M/CFARMC); and
3. Integrated Fisheries and Aquatic Resources Management Council (IFARMC)  
(Sec. 9, 11 and 13)

## Q A

### *What is the composition of the RFARMC?*

The RFARMC is composed of the following:

Chairman:

The Regional Secretary of the Department of Agriculture and Fisheries – ARMM

Members:

1. Chairperson of the Committee on Agriculture and Fisheries, Regional Legislative Assembly (RLA)
2. Regional Secretary of the Department of Environment and Natural Resources – ARMM
3. Regional Secretary of the Department of Interior and Local Government – ARMM
4. Regional Director of the RBFAR
5. Three representatives of the fisherfolk and fishworkers
6. Three representatives of commercial fishing and aquaculture operators and the processing sector
7. One representative from the academe
8. One representative from the NGOs involved in fisheries

(Sec. 9)

## Q A

### *What are the functions of the RFARMC?*

The RFARMC has the following functions:

1. Assist in the formulation of regional policies on fisheries and aquatic resources for approval of the ARMM Regional Governor;
2. Assist in the preparation of the Comprehensive Regional Fisheries Development Plan;
3. Recommend to the RLA the enactment of fishery laws; and
4. Perform such other functions as may be provided by law.

(Sec. 10)

## Q A

### *What is the composition of the M/CFARMC?*

The M/CFARMC is composed of the following:

1. Municipal/City Planning and Development Officer;
2. Chairperson of the Committee on Agriculture and Fisheries of the Sangguniang Bayan/Panlungsod;
3. Municipal/City Agriculturist/Fishery Officer;
4. One representative from the accredited NGO;
5. One representative from the Regional Department of Agriculture and Fisheries – ARMM; and
6. Eight fisherfolk representatives, as follows;
  - a. Five municipal fisherfolk;
  - b. One fishworker; and
  - c. Two commercial fishers.

(Sec. 11)

# Q A

*What are the functions of the M/CFARMC?*

The M/CFARMC has the following functions:

1. Assist in the preparation of the Municipal/City Fisheries Development Plan and submit such plan to the Municipal/City Planning and Development Council;
2. Assist in the enforcement of fishery laws, rules and regulations in municipal waters;
3. Advise the Sangguniang Bayan/Panlungsod on fishery matters and recommend the enactment of fishery ordinances; and
4. Perform such other functions, which may be assigned by the Sangguniang Bayan/Panlungsod.

(Sec. 12)



# Q A

*What is an IFARMC?*

It is the FARMC mandated to be created in bays, gulfs, lakes, rivers and dams bounded by two or more municipalities/cities. (Sec. 13)

# Q A

*What is the composition of the IFARMC?*

The IFARMC is composed of the following:

1. Chairpersons of the Committees on Agriculture/Fisheries of the concerned Sangguniang Bayan/Panlungsod;

2. Municipal/City Agriculturists/Fishery Officers of the concerned municipalities/cities;
3. Municipal/City Planning and Development Officers of the concerned municipalities/cities;
4. Two representatives from the NGOs;
5. Two representatives from the academe; and
6. At least seven representatives from the fisherfolk, fishworkers and commercial fishers.

(Sec. 13)

## Q A

### *What are the functions of the IFARMC?*

The IFARMC has the following functions:

1. Assist in the preparation of the Integrated Fisheries Development Plan and submit such plan to the concerned Municipal/City Planning and Development Councils;
2. Assist in the enforcement of fishery laws, rules and regulations in concerned municipal waters;
3. Advise the concerned Sangguniang Bayan/Panlungsod on fishery matters and recommend the enactment of integrated fishery ordinances; and
4. Perform such other functions, which may be assigned by the concerned Sangguniang Bayan/Panlungsod.

(Sec. 14)



#### IV. MANAGEMENT, DEVELOPMENT, PROTECTION AND DISPOSITION OF FISHERIES AND AQUATIC RESOURCES

Q  
A

*Who are allowed the use of ARMM waters?*

The use and exploitation of fisheries and aquatic resources in ARMM waters are reserved exclusively to Filipinos.  
(Sec. 16)

Q  
A

*Who have preference in the use of ARMM waters?*

ARMM residents. (Sec. 16)

Q  
A

*May research and survey activities be allowed in ARMM waters?*

Yes. The same may be allowed under strict regulations, for purely scientific, technological and educational purposes that would also benefit Filipinos. (Sec. 16)

Q

*Is there a limit in the number of licenses and permits that may be issued by the Department of Agriculture and Fisheries in the ARMM for the conduct of fishery activities beyond the municipal waters?*

A

Yes. The number of licenses and permits that may be issued is subject to the limits of



the maximum sustainable yield of the resource. (Sec. 18)

**Q**

*What is maximum sustainable yield?*

**A**

It is the largest average quantity of fish that can be harvested from a fish stock/resource within a period of time (one year, for example) on a sustainable basis under existing environmental conditions. (Sec. 5)

**Q**

*Can limitations or quota be imposed on the total quantity of fish that may be captured?*

**A**

Yes, for conservation or ecological purposes. This is also known as the catch ceiling. This may be imposed for a specified period of time and specified area. This may also be imposed per species of fish whenever necessary and practicable. (Sec. 19)

**Q**

*Who may impose a catch ceiling limitation?*

**A**

The Regional Governor, upon the recommendation of the RFARMC. However, in municipal waters and fishery management areas, catch ceilings may be prescribed upon the concurrence or recommendation of the concerned LGU in consultation with the M/CFARMC. In waters under the jurisdiction of special agencies, catch ceilings may be established with the concurrence or recommendation of such special agencies. (Sec. 19)

**Q**  
**A**

*What is “closed season”?*

It is the period during which the taking of a specified fishery species by a specified fishing gear is prohibited in a specified area or areas. (Sec. 5)



**Q**  
**A**

*May a closed season be declared in ARMM waters?*

Yes. A closed season in any or all ARMM waters outside the boundary of municipal waters may be declared for conservation and ecological purposes. (Sec. 20)

**Q**  
**A**

*Who may declare a closed season?*

The Regional Governor, upon recommendation of the RFARMC. (Sec. 20)

**Q**  
**A**

*How is a closed season declared?*

It is declared through public notice in two newspapers of regional circulation or in public service announcements, whichever is applicable, at least five days before the declaration. (Sec. 20)

**Q**

*When may waters—either under the jurisdiction of special agencies, the local government, fishery management areas and/or other areas reserved for the use of the municipal fisherfolk—be included in the coverage of the closed season?*

**A**

Upon the concurrence or recommendation of such special agency and the concerned LGU in consultation with the M/CFARMC, as the case may be. (Sec. 20)

**Q**

*Can an LGU establish closed season in municipal waters, fishery management areas and other areas reserved for the use of the municipal fisherfolk?*

**A**

Yes, for conservation or ecological purposes and in consultation with or upon the recommendation of the M/CFARMC. (Sec. 20)

**Q**

*What does the ARMM Aquatic and Fisheries Code of 1999 provide for the protection of rare, threatened and endangered species?*

**A**

The Code provides that the Regional Governor shall declare closed seasons and take conservation and rehabilitation measures for rare, threatened and endangered species, including their eggs/offspring as may be determined and identified by existing laws in concurrence with concerned government agencies. (Sec. 22)

**Q**

*When are auxiliary invoices required?*

**A**

Auxiliary invoices are required for all fishery/aquatic products prior to their transport from their

point of origin to their point of destination.  
(Sec. 25)

**Q**  
**A**

*Who are empowered to issue auxiliary invoices?*

Auxiliary invoices are to be issued by the LGUs upon payment of a fee to be determined by the LGUs to defray administrative costs. (Sec. 25)

## V. MUNICIPAL FISHERIES

**Q**  
**A**

*What is municipal fishing?*

It is fishing within municipal waters using fishing vessels weighing 3 gross tons or less, or fishing not requiring the use of fishing vessels. (Sec. 5)

**Q**  
**A**

*What are municipal waters?*

Municipal waters as defined in the ARMM Aquatic and Fisheries Code of 1999 cover the following:

1. Streams, lakes, inland bodies of water and tidal waters within the municipality except the following:
  - a. Protected areas defined under R.A. No. 7586 (The National Integrated Protected Area System [NIPAS] Law);



- b. Public forest;
  - c. Timber land; and
  - d. Forest reserves or fishery reserves.
2. Marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 12 km from such coastline. Where two municipalities are so situated on opposite shores that there is less than 24 km of marine waters between them, the third line shall be equally distant from opposite shores of such municipalities. (Sec. 5)

**Q**  
**A**

*Who has jurisdiction over municipal waters?*

The municipal/city government (LGUs) shall have jurisdiction over municipal waters. (Sec. 26)

**Q**

*What are the powers, functions and responsibilities of LGUs with regard to municipal waters?*

**A**

They are as follows:

1. LGUs shall determine the license fees of fishery activities in municipal waters in consultation with or upon recommendation of the M/CFARMC. (Sec. 17)



2. The LGUs, in consultation with the M/CFARMC, shall be responsible for the management, development, protection, and disposition of all fisheries and aquatic resources therein. (Sec. 26)
3. In consultation with the M/CFARMC, LGUs may enact appropriate ordinances in accordance with regional fishery policy. (Sec. 26)
4. LGUs shall enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipal/city council. (Sec. 26)
5. LGUs, in consultation with or upon the recommendation of the M/CFARMC, may establish closed season in municipal waters, fishery management areas and other areas reserved for the use of the municipal fisherfolk for conservation or ecological purposes. (Sec. 20)
6. LGUs may authorize or permit small and medium commercial fishing vessels to operate within the 7.1 to 12 kilometer area from the shoreline in municipal waters subject to specific requirements. (Sec. 28)
7. LGUs shall maintain a registry of municipal fisherfolk who are fishing or may desire to fish in municipal waters. (Sec. 29)
8. LGUs shall maintain a registry of municipal fishing vessels by type of gear and other boat particulars with the assistance of the M/CFARMC. (Sec. 29)
9. LGUs shall grant demarcated fishery rights to fishery organizations/cooperatives for mariculture operations such as, but not limited to, seaweeds farming and fish farming in specific areas identified by the Regional Department. (Sec. 32)

10. LGUs shall prohibit or limit fishery activities in municipal waters whenever it is determined by the LGUs and the Regional Department that the municipal waters are overfished or in danger of being overfished based on available data and that there is a need to regenerate the fishery in such waters. (Sec. 33)
11. The Regional Department and LGUs shall provide support to municipal fisherfolk through appropriate technology and research, credit, production and marketing assistance and other services such as training for supplementary livelihood. (Sec. 24)

**Q**

*How shall contiguous fishery resources, such as bays, which straddle several municipalities, cities or provinces, be managed?*

**A**

Contiguous fishery resources shall be managed in an integrated manner and shall not be based on political subdivisions to facilitate their management as a single resource system. The LGUs which share or border such resources may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management. The IFARMC shall serve as the venue for close collaboration among LGUs in the management of contiguous resources. (Sec. 26)

**Q**

*Who shall have preference in the grant of fishery rights in municipal waters?*

**A**

Duly registered fisherfolk organizations/cooperatives shall have preference. (Sec. 27)



**Q**  
**A**

*Who are the users of municipal waters?*

Municipal waters shall be used, and all fisheries related activities therein shall be undertaken, by municipal fisherfolk and their cooperatives/ organizations listed as such in the registry of municipal fisherfolk. (Sec. 28)

**Q**  
**A**

*What is the purpose of maintaining a registry of municipal fisherfolk?*

The registry shall be maintained for the purpose of determining priorities among municipal fisherfolk, of limiting entry into the municipal waters, and of monitoring fishing activities and other related purposes. (Sec. 29)



**Q**  
**A**

*Who shall submit to the LGU the list of priorities among municipal fisherfolk?*

The M/CFARMC shall submit to the LGU the list of priorities for its consideration. (Sec. 29)

**Q**  
**A**

*How shall the registry of municipal fisherfolk be maintained?*

The registry shall be updated annually or as may be necessary, and shall be posted in barangay halls

or other strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and completeness of the list. The LGU, in consultation with or upon recommendation of the M/CFARMC, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fisherfolk. (Sec. 29)

**Q**

*Who may be granted use of demarcated fishery areas in municipal waters by the LGU to engage in fish capture, seaweeds farming, mariculture and/or fish farming?*

**A**

Fisherfolk organizations/cooperatives whose members are listed on the registry of municipal fisherfolk may be granted such use, provided, that an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative. (Sec. 30)

**Q**

*Who shall have priority to exploit municipal and demarcated fishery areas of the concerned LGU?*

**A**

Resident municipal fisherfolk and their organizations/cooperatives. (Sec. 31)

**Q**

*May commercial fishing vessels be allowed to operate within municipal waters?*

**A**

Yes, subject to the following requirements:

1. There must be a municipal/city ordinance allowing such operations;

2. Only small (3.1 gross tons to 15 gross tons) and medium (15.1 gross tons to 100 gross tons) commercial fishing vessels will be allowed to operate;
  3. Such commercial fishing vessels can only be allowed to operate within the 7.1 to 12 km area from the shoreline in municipal waters as defined in the Code;
  4. They can only be allowed to operate within the 7.1 to 12 km area where the depth is not less than 7 fathoms as certified by the appropriate agency;
  5. The use of fishing methods and gears is consistent with policies set by the Regional Department;
  6. Prior consultation through public hearing with the M/CFARMC has been conducted; and
  7. The applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated the ARMM Aquatic and Fisheries Code of 1999 and environmental laws.
- (Sec. 28)

**Q**

*What are the incentives for municipal fisherfolk and fisherfolk organizations/cooperatives?*

**A**

They shall be granted incentives which shall include, but are not limited to, the following:

1. At least 10 percent of the credit and the guarantee funds of government financing institutions shall be made available for post-harvest and marketing projects. Qualified projects shall include ice plants, cold storage, canning, warehouse, transport and other related infrastructure facilities.

2. A capability-building program to promote greater bankability and credit worthiness. (Sec. 43)

## VI. COMMERCIAL FISHERIES

### Q A

#### *What is commercial fishing?*

Commercial fishing involves catching of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:



- Small scale – Fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to 15 GT;
- Medium Scale – Fishing utilizing active gears and vessels of 15.1 GT up to 100 GT;
- Large Scale – Fishing utilizing active gears and vessels of more than 100 GT.

(Sec. 5)

### Q A

#### *Where can commercial fishing vessels operate?*

In general, commercial fishing vessels can operate in ARMM waters beyond the 12 km municipal waters unless the LGU concerned allows the small and medium commercial fishing vessels to operate

inside the 7.1 to 12 km area of the municipal waters subject to compliance with specific requirements.

**Q**

*Where can medium and large commercial fishing vessels operate?*

**A**

They can operate only in ARMM waters beyond the 12 km municipal waters where the depth is 7 or more fathoms as certified by the National Mapping and Resource Information Authority (NAMRIA). (Sec. 36)

**Q**

*Who regulates commercial fisheries in the ARMM?*

**A**

The Department of Agriculture and Fisheries in the ARMM (Regional Department) has jurisdiction over commercial fisheries in the ARMM. Specifically, the Regional Department shall:

1. Issue commercial fishing vessel and gear licenses;
2. Issue fishworker or pearl diver licenses; and
3. Issue approval or clearance for the importation of fishing vessels and the construction of new ones;

(Sec. 36, 39, 42)

**Q**

*Who are eligible for commercial fishing vessel license in the ARMM?*

**A**

Commercial fishing vessel license shall be issued only to Filipino citizens and partnerships, associations, cooperatives or corporations duly registered in the Philippines at least 60 percent of the capital stock of which is owned by Filipinos. For purposes of commercial fishing, fishing vessels

owned by a qualified person shall secure Certificate of Philippine Registry and other documents necessary from concerned agencies. The commercial fishing vessel license shall be valid for a period to be determined by the Regional Department. (Sec. 37)

## VII. AQUACULTURE

**Q**

*What are the areas available for fishpond development?*

**A**

Public lands such as tidal swamps, mangroves, marshes, foreshore lands and ponds suitable for fishery operations shall not be disposed or alienated. Fishpond Lease Agreements (FLAs) may be issued for public lands declared available for fishpond development to qualified fisherfolk cooperatives/associations. (Sec. 50)



**Q**  
**A**

*Who shall be given priority to expiring FLAs?*

The current lessees shall be given priority and be entitled to an extension of 15 years in the utilization of their respective leased areas. Thereafter, such FLAs shall be granted to any Filipino citizen with preference to qualified fisherfolk cooperatives/associations. (Sec. 50)

**Q**  
**A**

*Who shall approve FLAs?*

The Regional Governor. (Sec. 51)

**Q**  
**A**

*What are the conditions set for the lease of fishponds?*

FLAs shall be subject to the following conditions:

1. No more than 30 ha for individuals and 200 ha for corporations or fisherfolk organizations/cooperatives;
2. Lease for a period of 20 years renewable for another 20 years. In case of the death of the lessee, his spouse and/or children shall have preemptive rights to the unexpired term of the FLA;
3. Lease rates to be determined by the Regional Department and one-half of the fees collected shall be used for research and development purposes;
4. The area leased shall be producing on a commercial scale within three years from the approval of the lease contract. All areas not fully developed within five years from the approval of the lease contract shall automatically revert to the public domain for reforestation;
5. Lessee shall not sublease the fishpond, in whole or in part, or assign the rights under the FLA without prior written approval of the Regional Governor. Violation shall mean cancellation of the FLA;
6. Lessee shall undertake reforestation for river banks, bays, streams, and seashore fronting the dike of his fishpond subject to the rules and regulations of the Regional Department; and

7. Lessee shall provide facilities that will minimize environmental pollution, i.e., settling ponds, reservoirs, etc. Failure to comply shall mean cancellation of the FLA. (Sec. 51)

**Q**

*What shall be done to abandoned, undeveloped, or underutilized fishponds?*

**A**

The DENR-ARMM, in coordination with the Regional Department, LGUs, other concerned agencies and RFARMC shall determine which abandoned, undeveloped or underutilized fishponds covered by FLAs can be reverted to their original mangrove state and after having made such determination shall take all steps necessary to restore such areas in their original mangrove state. (Sec. 53)

**Q**

*What shall be done to the FLA holders who have acquired citizenship in another country during the existence of the FLA?*

**A**

Their lease shall automatically be cancelled and the improvements forfeited and disposed of in accordance with the rules and regulations on the matter. (Sec. 54)

**Q**

*Where may fish pens, fish cages, fish traps and other similar structures be constructed and operated?*

**A**

Inside municipal waters, they may be constructed and operated only within established zones duly



designated by LGUs in consultation with the M/CFARMC concerned, after the corresponding licenses have been secured. Outside municipal waters, they shall be constructed and operated only within fish pen/fish cage/fish trap belts designated by the Regional Department and after corresponding licenses have been secured and the fees paid. (Sec. 55)



**Q**

*Who shall issue licenses to operate fish pens, fish cages, fish traps and other similar structures?*

**A**

Within municipal waters, it shall be the respective LGUs. Outside municipal waters, it shall be the Regional Department.

**Q**

*How are pearl farm leases treated?*

**A**

Existing pearl farm leases shall be respected and allowed to operate under the terms thereof. Upon expiration of such lease contracts, the current lessees shall be entitled to an extension of 15 years and be given priority in the renewal of the contracts. The LGUs may grant new leases to qualified persons who possess the necessary capital and technology. (Sec. 56)

**Q** *Who shall be granted new concessions, licenses, permits, leases and similar privileges for the establishment or operation of fish pens, fish cages, fish corrals/traps, and other similar structures in municipal waters?*

**A** They shall be granted only to municipal fisherfolk and their organizations/cooperatives. (Sec. 57)

**Q** *Are fish hatcheries, fish breeding facilities and private fishponds required to be registered with the LGU concerned?*

**A** Yes. (Sec. 61)

## **VIII. POST-HARVEST FACILITIES AND TRADES**

**Q** *What are the provisions in the ARMM Aquatic and Fisheries Code of 1999 concerning post-harvest development?*

**A** The Regional Department shall formulate a comprehensive plan for post-harvest and ancillary industries, taking into account, among others, the following:

1. Detailed guidelines on the distribution, construction, maintenance and use of post-harvest infrastructure facilities;
2. Extension of credit and incentives for post-harvest operations;

3. Development of domestic fish meal industry as well as shipbuilding and repair of fishing vessels;
4. Strengthening of semi-processing, processing and marketing facilities;
5. Increased participation of cooperatives and NGOs in post-harvest operations and ancillary industries; and
6. Integration of post-harvest operations into the Comprehensive Regional Fisheries Development Plan.

(Sec. 62)



**Q**

*What is the role of LGUs with regard to the establishment of post-harvest facilities?*

**A**

The LGUs shall coordinate with the M/CFARMC and other concerned agencies in the establishment of post-harvest facilities for fishing communities such as, but not limited to, municipal fish landing sites, fish ports, ice plants and cold storages and other fish processing facilities to serve primarily the needs of municipal fisherfolk. (Sec. 63)

**Q**

*What agency is in charge of the registration and licensing of all post-harvest facilities?*

**A**

LGUs. (Sec. 64)

## IX. FISHERY RESERVES, REFUGE AND SANCTUARIES

**Q**

*May areas in ARMM waters be reserved for the exclusive use of the Autonomous Regional Government?*

**A**

Yes. An area or areas in ARMM waters beyond 12 km from the shoreline may be designated as fishery reservation for the exclusive use of the autonomous regional government or any of its political subdivisions, agencies or instrumentalities for propagation, educational, research and scientific purposes. (Sec. 67)

**Q**

*Who may reserve such areas?*

**A**

The Regional Governor. (Sec. 67)

*May portion of the municipal waters be declared as fishery reserves?*

Yes. The concerned LGUs, in consultation with or upon recommendation of the M/CFARMC, may recommend to the Regional Governor that portion of the municipal waters be declared as fishery reserves for special or limited use for educational, research, and/or special management purposes. (Sec. 67)

**Q**

*May fish refuge and sanctuaries be established in ARMM waters?*

**A**

Yes. The Regional Governor may establish fish refuge and sanctuaries to be administered in the

manner to be prescribed by the Regional Department with at least 25 percent but not more than 40 percent of bays, foreshore lands, continental shelf or any fishing ground which shall be set aside for the cultivation of mangroves to strengthen the habitat and the spawning ground of fish. (Sec 68)

**Q**

*Is commercial fishing allowed in established fish refuge and sanctuaries?*

**A**

No. (Sec. 68)

**Q**

*May fish refuge and sanctuaries be established in municipal waters?*

**A**

Yes. The concerned LGU, in consultation with or upon recommendation of the M/CFARMC, may establish fishery refuge and sanctuaries in at least 15 percent, where applicable, of the total coastal areas in each municipality/city based on the best available scientific data and in consultation with the Regional Department.



## X. PROHIBITIONS AND PENALTIES

Title	Prohibited Acts	Penalties
Unauthorized Fishing or Other Unauthorized Fishery Activities (Sec. 69)	<ol style="list-style-type: none"> <li>1. To exploit, occupy, produce, breed, culture, capture, or gather fish, fry or fingerlings of any fishery species or fishery products or engage in any fishery activity in the ARMM without a license, lease or permit. EXCEPTION: Fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes.</li> <li>2. Commercial fishing vessel fishing in bays and in such other fishery management areas which are declared as over-exploited.</li> <li>3. Persons not listed on the registry of municipal fisherfolk engaging in any commercial fishing activity in municipal waters.</li> </ol>	<p>For commercial fishing boat captain or the 3 highest officers of the boat:</p> <ul style="list-style-type: none"> <li>• Fine equivalent to the value of the catch or ₱10,000.00, whichever is higher;</li> <li>• Imprisonment of 6 months;</li> <li>• Confiscation of catch and fishing gears; and</li> <li>• Automatic revocation of license.</li> </ul> <ul style="list-style-type: none"> <li>• Confiscation of catch; and</li> <li>• Fine of ₱500.00</li> </ul>
Poaching in ARMM Waters (Sec. 70)	Any foreign person, corporation or entity fishing or operating any fishing vessel in ARMM waters	<ul style="list-style-type: none"> <li>• Fine of US\$100,000.00; and</li> <li>• Confiscation of the catch, fishing equipment and fishing vessel.</li> <li>• Regional Governor is empowered to impose administrative fine of not less than US\$50,000.00 but not more than US\$200,000.00 or its equivalent in Philippine currency.</li> </ul>
Fishing Through Explosives, Noxious or Poisonous Substance and/or Electricity (Sec. 71)	<ol style="list-style-type: none"> <li>1. To catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species in ARMM waters with the use of electricity, explosives, noxious or poisonous substances such as sodium cyanide, which will kill, disable or render unconscious fish or fishery species.</li> <li>2. To possess, deal in, sell or in any manner dispose of, any fish or fishery species which have been illegally caught, taken or gathered.</li> </ol>	<ul style="list-style-type: none"> <li>• Mere possession of explosive, noxious or poisonous substances or electro-fishing devices for illegal fishing shall be punishable by imprisonment ranging from 6 months to 2 years.</li> <li>• Actual use of explosives, noxious or poisonous substances or electro-fishing devices for illegal fishing shall be punishable by imprisonment ranging from 5 to 10 years without prejudice to the filing of separate criminal case when the use of the same results to physical injury or loss of human life.</li> <li>• Dealing in, selling or in any manner disposing of, for profit, illegally caught/gathered fishery species shall be punishable by imprisonment ranging from 6 months to 2 years</li> <li>• In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited.</li> </ul>

<b>Title</b>	<b>Prohibited Acts</b>	<b>Penalties</b>
Use of Fine Mesh Net (Sec. 72)	1. To engage in fishing using nets with mesh smaller than that which may be fixed by the Regional Department except those used for the gathering of fry, glass eels, elvers, tabios, and alamang and such species which by their nature are small but already mature, to be identified in the rules and regulations of the Regional Department.	<ul style="list-style-type: none"> <li>Fine from P2,000.00 to P20,000.00 or imprisonment from 6 months to 2 years or both at the discretion of the court.</li> <li>If committed by a commercial fishing vessel, the owner / operator, boat captain and master fisherman shall be subjected to the above penalties.</li> <li>Regional Governor empowered to impose an administrative fine on the offender or cancel his permit / license, or both.</li> </ul>
Use of Active Gear in Municipal Waters, Bays and Other Fishery Management Areas (Sec. 73)	To engage in fishing in municipal waters, bays and other fishery management areas using active gear as defined in the Code.	<ul style="list-style-type: none"> <li>Captain and master fisherman of the vessel shall suffer the penalty of imprisonment from 2 years to 6 years.</li> <li>Owner/operator of the vessel shall be fined from P2,000.00 to P20,000.00.</li> <li>The catch and fishing gear shall be forfeited.</li> </ul>
Ban on Coral Exploitation and Exportation (Sec. 74)	To gather, possess, sell or export ordinary, precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.	<ul style="list-style-type: none"> <li>Imprisonment from 6 months to 2 years or fine of P2,000.00 to P20,000.00 or both at the discretion of the court; and</li> <li>Forfeiture of such corals including the vessel.</li> </ul>
Ban on Muro-Ami, Other Methods and Gear Destructive to Coral Reefs and other Marine Habitat (Sec. 75)	1. To fish with gear method that destroys coral reefs, sea grass beds, and other marine life habitat as may be determined by the Regional Department.	<p>For operator, boat captain, master fisherman, and recruiter or organizer of fishworkers:</p> <ul style="list-style-type: none"> <li>Imprisonment of 2 years to 10 years or a fine of not less than P100,000.00 to P500,000.00 or both at the discretion of the court; and</li> <li>The catch and gear used shall be forfeited.</li> </ul>
	2. Muro-Ami and any of its variation, and such similar gear and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species.	
	3. To gather, sell or export white sand, silica, pebbles and any other substances which make up any marine habitat.	<ul style="list-style-type: none"> <li>Imprisonment of 2 years to 10 years or a fine of not less than P100,000.00 to P500,000.00 or both at the discretion of the court; and</li> <li>The substance taken from its marine habitat shall be forfeited.</li> </ul>
Illegal Use of Super Lights (Sec. 76)	To engage in fishing with the use of super lights in municipal waters or in violation of the rules and regulations, which may be promulgated by the Regional Department on the use of super lights outside municipal waters.	<ul style="list-style-type: none"> <li>Imprisonment of 6 months to 2 years or a fine of P5,000.00 per super light, or both at the discretion of the court; and</li> <li>The super light, fishing gears and vessel shall be confiscated.</li> </ul>
Conversion of Mangroves (Sec. 77)	To convert mangroves into fishponds or for any other purposes.	<ul style="list-style-type: none"> <li>Imprisonment of 6 years and 1 day to 12 years and/or a fine of P80,000.00, at the discretion of the court.</li> <li>If the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage.</li> </ul>
Fishing in Over-fished Area and During Closed Season (Sec. 78)	To fish in over-fished area and during closed season	<ul style="list-style-type: none"> <li>Imprisonment of 6 months and 1 day to 6 years and/or a fine of P6,000.00, at the discretion of the court; and</li> <li>The catch shall be forfeited and the fishing permit or license shall be cancelled.</li> </ul>

<b>Title</b>	<b>Prohibited Acts</b>	<b>Penalties</b>
Fishing in Fishery Reserves, Refuge and Sanctuaries (Sec. 79)	To fish in fishery reserves, refuge and sanctuaries.	<ul style="list-style-type: none"> <li>Imprisonment of 2 years to 6 years and/or a fine of ₱2,000.00 to ₱20,000.00, at the discretion of the court; and</li> <li>The catch shall be forfeited and the fishing permit or license shall be cancelled.</li> </ul>
Fishing or Taking of Rare, Threatened or Endangered Species (Sec. 80)	To fish or take rare, threatened or endangered species as listed in the CITES and as determined by the Regional Department.	<ul style="list-style-type: none"> <li>Imprisonment of 12 years to 20 years and/or a fine of ₱120,000.00, at the discretion of the court; and</li> <li>The catch shall be forfeited and the fishing permit shall be cancelled.</li> </ul>
Capture of Sabalo and Other Breeders / Spawners (Sec. 81)	To catch, gather, capture or possess mature milkfish or sabalo and such other breeders and spawners of other fishery species as may be determined by the Regional Department.	<ul style="list-style-type: none"> <li>Imprisonment of 6 months and 1 day to 8 years and/or a fine of ₱80,000.00, at the discretion of the court; and</li> <li>The catch and fishing equipment shall be forfeited and the fishing license shall be revoked.</li> </ul>
Exportation of Breeders, Spawners, Eggs or Fry (Sec. 82)	To export breeders, spawners, eggs or fry.	<ul style="list-style-type: none"> <li>Imprisonment of 8 years and/or a fine equivalent to double the value of the same, at the discretion of the court; and</li> <li>The fishing and export license/permit shall be revoked.</li> </ul>
Importation or Exportation of Fish or Fishery Species (Sec. 83)	To Import or export fish or fishery species.	<ul style="list-style-type: none"> <li>Imprisonment of 8 years and/or a fine of ₱80,000.00, at the discretion of the court; and</li> <li>The live or non-live fish or fishery species shall be forfeited for proper disposition.</li> </ul>
Violation of Catch Ceilings (Sec. 84)	To fish in violation of catch ceilings.	<ul style="list-style-type: none"> <li>Imprisonment of 6 years and/or a fine of ₱50,000.00, at the discretion of the court; and</li> <li>The catch and fishing equipment used shall be forfeited and the fishing license/permit shall be revoked.</li> </ul>
Aquatic Pollution (Sec. 85)	<p>To introduce by human or machine, directly or indirectly, substances or energy to the aquatic environment which is likely to result in deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials / substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances.</p> <p>Deforestation, unsound agriculture practices such as the use of banned chemical and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects shall also constitute aquatic pollution.</p>	<ul style="list-style-type: none"> <li>Imprisonment of 6 years and 1 day to 12 years and/or a fine of ₱80,000.00 plus an additional fine of ₱8,000.00 per day until such violation ceases and the fines paid, at the discretion of the court.</li> </ul>



<b>Title</b>	<b>Prohibited Acts</b>	<b>Penalties</b>
Failure to Comply with Minimum Safety Standards (Sec. 86a)	Failure, upon demand by proper authorities, to exhibit or show proof of compliance with the safety standards provided in the Code.	<ul style="list-style-type: none"> <li>The owner and captain of the commercial fishing vessel shall be immediately prevented from continuing with the fishing activity and escorted to the nearest port or landing point; and</li> <li>The license to operate the commercial fishing vessel shall be suspended until the safety standards have been complied with.</li> </ul>
Failure to Conduct a Yearly Report on all Fishponds, Fish Pens and Fish Cages (Sec. 86b)	Failure to conduct a yearly report on all fishponds, fish pens and fish cages	<ul style="list-style-type: none"> <li>Immediate cancellation of FLA;</li> <li>If offender is the owner of the fishpond, fish pen or fish cage:               <ol style="list-style-type: none"> <li>First offense – fine of ₱500.00 per unreported hectare;</li> <li>Subsequent offenses – fine of ₱1,000.00 per unreported hectare.</li> </ol> </li> </ul>
Gathering and Marketing of Shellfish (Sec. 86c)	To take, sell, transfer or have in possession for any purpose any shellfish, which is sexually mature, or below the minimum size or above the maximum quantities prescribed for the particular species.	<ul style="list-style-type: none"> <li>Fine ranging from ₱2,000.00 to ₱10,000.00 or imprisonment from 1 month and 1 day to 6 months, or both upon the discretion of the court;</li> <li>Regional Governor is empowered to impose an administrative fine of not more than ₱10,000.00 and/or to cancel the permit or license of the offender, at the discretion of the Regional Governor;</li> <li>Any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products shall be subject to a fine of not more than ₱10,000.00 or imprisonment of not more than 2 years, or both upon the discretion of the court.</li> <li>Every penalty imposed shall carry with it the forfeiture of the proceeds of such offense and the instruments or tools with which it was committed.</li> </ul>
Obstruction to Navigation or Flow of Tide (Sec. 86d)	To cause obstruction to navigation or flow of tide in any stream, river, lake or bay.	
Construction and Operation of Fish Corrals/Traps, Fish Pens and Fish Cages (Sec. 86e)	To construct and operate fish corrals/traps, fish pens and fish cages without a license/permit	
Commercial Fishing Vessel Employing Unlicensed Fisherfolk, Fishworker or Crew (Sec. 87)	To employ unlicensed fisherfolk, fishworker or crew in a commercial fishing vessel	<p>For the owner/operator:</p> <ul style="list-style-type: none"> <li>Fine of ₱500.00 every month for each unlicensed fisherfolk or fishworker employed and ₱1,000.00 every month for each unlicensed crew member employed.</li> </ul>
Obstruction of Defined Migration Paths (Sec. 88)	To obstruct any defined migration paths of anadromous, catadromous and other migratory species, in areas including, but not limited to river mouths and estuaries within a distance determined by the concerned LGUs in consultation with and upon recommendation of the M/CFARMC.	<ul style="list-style-type: none"> <li>Imprisonment of 7 years to 12 years or a fine of ₱50,000.00 to ₱100,000.00 or both at the discretion of the court; and</li> <li>The permit/license, if any, shall be cancelled and the obstruction shall be dismantled and confiscated at the expense of the offender.</li> </ul>
Obstruction to Fishery Law Enforcement Officer (Sec. 89)	To evade, obstruct or hinder any fishery law enforcement officer of the Regional Department to perform his duty by any boat owner, master or operator or any person acting on his own behalf, of any fishing vessel	<ul style="list-style-type: none"> <li>Fine of ₱10,000.00; and</li> <li>Cancellation of the registration, permit and/or license of the vessel including the license of the master fisherman.</li> </ul>





# EcoGovernance



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